

THE HON'BLE MR JUSTICE V.V.S.RAO

-
WRIT PETITION No.3272 of 2007

-
22.3.2007

-
Between:

Ms.Tonda Seshu, W/o.Krishna Murthy
And others

... Petitioners

AND

The District Collector, Visakhapatnam
And others

... Respondents

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WRIT PETITION No.3272 of 2007

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ORDER:

The petitioners allege that second respondent got layout prepared in respect of the land comprised in survey Nos.17/2 situated at Bavulavada village known as Rachakonda Viswanatha Sastry (RVS) Nagar and plot Nos.111, 117, 110, 116, 115 and 112 were allotted to the petitioners (in that order) in 2003. They raised thatched sheds and residing there. They allege that at the behest of local MLA respondents 2 and 3 are making attempts to dispossess the petitioners from their lands. Hence they approached this Court seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess them from the respective plots as illegal and arbitrary.

The matter is coming up for preliminary hearing since 22.2.2007. After getting instructions, learned Assistant Government Pleader for Revenue (Assignment) submits that at no point of time the petitioners were granted house site pattas in survey No.17/2 of Bavulavada village. He however does not seriously dispute the allegation of the petitioners that they are in possession of the thatched houses constructed by them in the plots. Whether the petitioners were granted house site pattas or not is a matter for verification by the second respondent and no categorical finding can be recorded on this aspect in these proceedings. The possession of the petitioners is admitted and, therefore, this Court observes that unless and until due process of

law is followed under A.P. Land Encroachment Act, 1905, the petitioners cannot be dispossessed from their lands if they are in possession as on today.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

March 22, 2007

YS